

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 1:18-CR-00016-LY
	§	
CHARLES MCALLISTER	§	
	§	

**UNOPPOSED MOTION TO CONTINUE MOTIONS HEARING,  
DOCKET CALL, AND JURY SELECTION AND TRIAL**

Defendant, CHARLES MCALLISTER, moves the Court to certify this case complex pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and enter a revised order which continues the motions hearing, docket call, and jury selection and trial for at least 180 days. In support, Defendant would show as follows:

I. COMPLEXITY AND VOLUME OF DISCOVERY

1. Defendant was indicted on January 18, 2018 on two counts of Wire Fraud in violation of 18 U.S.C. §1343 and 18 U.S.C. §2, one count of Engaging in Monetary Transaction in Criminally Derived Property in violation of 18 U.S.C. §1957, and a Notice of Demand for Forfeiture.
2. On January 23, 2018 Defendant made his initial appearance with counsel and entered his plea of not guilty. On January 30, 2018 the Court entered its Order Setting Motions Hearing, Docket Call and Jury Selection and Trial, setting a hearing for all

pretrial motions and docket call for March 1, 2018 and setting jury selection and trial in this matter for March 12, 2018. *See* DKT 13.

3. On February 2, 2018 counsel for the Defendant and Government conferred regarding discovery in this matter. Government informed counsel for the Defendant that the volume of discovery is a little less than 2TB of documents and asked counsel to send an external hard drive to the Government for copying. Counsel for the Defense was able to acquire the hard drive and has sent it to the Government via FedEx with an expected arrival at the U.S. Attorney's office of Monday, February 12, 2018.

4. Counsel expects that it will take significant time to go through the Government's discovery and adequately prepare a defense, including the preparation of any pretrial motions that may be necessary. Accordingly, Counsel requests at least a 6-month continuance of the settings in this case so that he can adequately prepare.

## II. DEFENSE COUNSEL'S CURRENT TRIAL SETTINGS IN OTHER DISTRICTS

5. For scheduling consideration in this case, counsel for the Defendant provides the Court with the following currently scheduled federal criminal trials in other districts for which he is lead counsel and reasonably expects trial to go forward:

- April 2, 2018: *United States vs. Arthur Franz Wammel*; 4:17-cr-00213-MAC; In the Eastern District of Texas, Sherman Division; Judge Marcia Crone; expected length of trial 5-7 days.

- April 2, 2018: *United States vs. Steven Houseworth*; 4:17-cr-00134; In the Southern District of Texas, Houston Division; Judge Gray Miller; expected length of trial 5-7 days; motion for continuance is pending with expected rescheduling to this summer.
- May 12, 2018: *United States vs. Wellington Yu*; 4:17-cr-00740; In the Southern District of Texas, Houston Division; Judge Vanessa Gilmore; expected length of trial 5-7 days.
- July 30, 2018: *United State vs. Tamika Shaw*; 4:17-cr-00082; In the Southern District of Texas, Houston Division; Judge Gray Miller; expected length of trial 5-7 days.
- September 24, 2018: *United States vs. Charles Grob*; 4:16-cr-00408; In the Southern District of Texas, Houston Division; Judge Vanessa Gilmore; expected length of trial 3-4 weeks.

### III. CONCLUSION

6. It is not possible for Defendant to adequately prepare for trial within the speedy trial time limits established by 18 U.S.C §3161. The volume and nature of the discovery along with the likely need to research and prepare pre-trial motions and responses all warrant the Court certifying this as a complex case and continuing the motions hearing, docket call, and jury selection and trial.

PRAYER

7. Accordingly, Defendant prays that the Court grant his motion and certify this as a complex case and toll the time limits under the Speedy Trial Act, 18 U.S.C. §3161, and issue a new scheduling order with new dates for the motions hearing, docket call, and jury selection and trial at least 180 days from the current settings and consistent with the Court's available calendar.

DATED: February 12, 2018.

Respectfully submitted,

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*Attorney for Defendant*  
CHARLES MCALLISTER

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 2, 2018 I conferred with AUSA Dan Guess who stated that he was UNOPPOSED to the relief sought in this motion.

/s/ James Ardoin  
JAMES ARDOIN

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed using the CM/ECF service on February 12, 2018 which caused service on all counsel of record.

/s/ James Ardoin  
JAMES ARDOIN